

July 26, 2023

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro,

The Administrative Office of the U.S. Courts (AO) is responsible for providing oversight and support services to the 94 U.S. judicial districts, which include U.S. territories.¹ AO's Office of Probation and Pretrial Services supports the U.S. district courts, in part, by developing system policies and supporting system programs. Probation and pretrial services gather information and interview individuals accused of federal crimes and prepare reports that the courts rely on to make release and sentencing decisions. They also supervise individuals released to the community and direct those under supervision to social services, including substance use disorder treatment, mental health treatment, and employment assistance.

Individuals accused of federal crimes may be released from prison into the community while they await their trial, known as pretrial release, and assigned a pretrial services officer for the duration of their release. In 2021, there were 26,037 individuals on pretrial release. Individuals convicted of federal crimes may also serve their sentences in the community, outside of jail or prison, also known as probation. In 2021, there were 2.9 million people on probation.² Similar to pretrial release, individuals on probation are also assigned an officer that monitors their compliance with any release requirements, such as drug testing or rehabilitation programs.

Currently, there are two assessment tools in the probation and pretrial services field. The Pretrial Risk Assessment (PTRA) helps inform pretrial services officers' recommendations on whether or not to release an individual into the community pretrial. Officers use the PTRA to determine an individual's risk of (1) failing to appear to court, (2) receiving a new criminal arrest, and/or (3) violating their conditions of release if granted pretrial release. Research has shown that the use of the tool may reduce officer bias when formulating their release decision and ultimately reduce racial disparities.³ However, neither AO nor the judicial districts require that the officers use the pretrial risk assessment tool.

The Post-Conviction Risk Assessment (PCRA) helps probation officers focus their intervention efforts once an individual is released into the community on probation. Officers use the PCRA to inform their decisions about how to deliver supervision and treatment to individuals in a way that produces the best outcomes, including preventing them from committing a new crime or recidivating. However, the extent to which officers use the tool in any or all probation cases is unknown because neither the AO nor the judicial districts require use of this tool either. Additionally, little is known about the validity of both the pretrial and post-conviction risk assessment tools and the extent to which AO reviews the tools for improvements.

¹Probation and pretrial services for the District of the Northern Mariana Islands are provided by the District of Guam. Additionally, in some districts, probation and pretrial services are separate offices while in others, they are combined.

²U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole in the United States*, (Washington, D.C.: February 2023).

³Skeem, Jennifer, Montoya, Lina, and Lowenkamp, Christopher, "Understanding Racial Disparities in Pretrial Detention Recommendations to Shape Policy Reform" (2022).

Therefore, we request GAO conduct a review of AO's U.S. Probation and Pretrial Services System to answer the following questions:

1. To what extent does the U.S. Probation and Pretrial Services System use a pretrial and post-conviction risk assessment tool across the judicial districts and what factors affect the frequency of its use?
2. To what extent does the Administrative Office of the U.S. Courts examine the extent to which the pretrial and post-conviction risk assessment tools align with their goal to enhance the fair and effective management of all persons under supervision?
3. What disparities, if any, exist between those granted and not granted pretrial release or probation?
4. To what extent does the U.S. Probation and Pretrial Services System provide training to officers on the use of pretrial and post-conviction risk assessment tools?

Should you have any questions about this request, please contact Alexander Chanock in Rep. Trone's office at alexander.chanock@mail.house.gov

Thank you for your assistance in this matter.

Sincerely,



David J. Trone
Member of Congress



Kelly Armstrong
Member of Congress



Lisa Blunt Rochester
Member of Congress



John H. Rutherford
Member of Congress



Robert C. "Bobby" Scott
Member of Congress